

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
S&R DEVELOPMENT ESTATES, LLC and "JOHN  
DOE" NOS. 1 THROUGH 75,

Plaintiffs,

- against -

STEVEN BASS, EDDIE MAE BARNES, PAUL  
FEINER, DIANA JUETTNER and FRANCIS  
SHEEHAN, Constituting the Town Board of the Town  
of Greenburgh, Westchester County, New York,  
STEVEN BELASCO, MALCOLM BAUMGARTNER,  
EVE BUNTING-SMITH, NICHOLAS DECICCO,  
LAWRENCE DOYLE, ROHAN HARRISON and  
DANIEL ROSENBLUM, Constituting the Zoning  
Board of Appeals of the Town of Greenburgh,  
Westchester County, New York, MARK STELLATO,  
Commissioner of the Department of Community  
Development and Conservation of the Town of  
Greenburgh, TOWN OF GREENBURGH and JOHN  
and JANE DOE,

Defendants.  
-----X

**NOTICE OF MOTION**

07 Civ. 11112(WCC)(GAY)  
ECF CASE

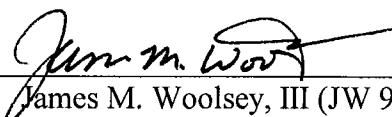
**PLEASE TAKE NOTICE**, that upon the accompanying Declaration of Elizabeth Gerrity, dated February 27, 2008, and exhibits attached hereto; the accompanying Declaration of Thomas Madden, dated February 28, 2008, and exhibits attached hereto; the accompanying Declaration of Carole Walker, dated February 29, 2008, and exhibits attached thereto, the accompanying Memorandum of Law and all prior pleadings and prior proceedings in this action, the undersigned will move this Court before the Honorable William C. Conner, U.S.D.J., in the U.S. Courthouse, 300 Quarropas Street, White Plains, New York, at 9:30 a.m. on April 14, 2008, or as soon thereafter as

counsel can be heard, for an order: (1) dismissing plaintiffs' Amended Complaint, with prejudice, pursuant to Fed.R.Civ.P. § 12(b)(1) and (6); and (2) granting defendants such other and further relief as the Court deems just and proper.

**PLEASE TAKE FURTHER NOTICE** that responding papers, if any, are to be served no later than March 28, 2008 and reply papers are to be served no later than April 11, 2008.

Dated: New York, New York  
February 29, 2008

LANDMAN CORSI BALLAINE & FORD P.C.

By:   
James M. Woolsey, III (JW 9157)  
Attorney for Defendants  
120 Broadway, 27<sup>th</sup> Floor  
New York, New York 10271  
(212) 238-4800

To.: John A. Risi, Esq. (JR 6475)  
BLEAKLEY PLATT & SCHMIDT  
Attorneys for Plaintiffs  
One North Lexington Avenue  
P.O. Box 5056  
White Plains, New York 10602-5056

**AFFIDAVIT OF SERVICE VIA FEDERAL EXPRESS**

STATE OF NEW YORK     )  
                                      ) ss.:  
COUNTY OF NEW YORK    )

**RYAN NEW**, being duly sworn, deposes and says, that deponent is not a party to the action, is over 18 years of age and resides at NEW YORK, NEW YORK.

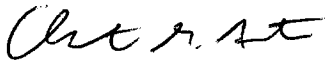
That on the 29<sup>th</sup> day of February, 2008, deponent served the within **NOTICE OF MOTION** upon:

John A. Risi, Esq. (JR 6475)  
BLEAKLEY PLATT & SCHMIDT  
One North Lexington Avenue  
P.O. Box 5056  
White Plains, New York 10602-5056

attorneys in this action, at the addresses designated by said attorneys for that purpose by depositing a true copy of same enclosed in a postpaid properly addressed Federal Express overnight mail wrapper, under the exclusive care and custody of Federal Express.

  
\_\_\_\_\_  
Ryan New

Sworn to before me this  
29<sup>th</sup> day of February, 2008

  
\_\_\_\_\_

Notary

**CHRISTOPHER FRETÉL**  
NOTARY PUBLIC, State of New York  
No. 02FR6123499  
Qualified in New York County  
Commission Expires March 7, 2009